

Exhibit B
Lewis County Code Amendment Title 17
Setbacks

Section 17.145.020 currently specifies setbacks in a narrative format: This amendment would:
(1) modify the side and rear residential setbacks and put the setbacks into a table format,
(2) add criteria for an administrative reduction and
(3) include a reference to additional setback requirements

17.145.020 Required setbacks.

- (1) Unless otherwise designated in this title or Chapter 15.15 LCC, the minimum required setbacks shall be as follows:

Setback	Residential	Commercial	Industrial
Front from right-of-way	25	10	10
Side from property line	<u>5</u>	10	10
Rear from property line	<u>15</u>	0	0
Rear when abutting a residential zone	-	25	50

- (2) The Administrator may reduce the required side or rear setbacks where topography, critical areas or the lot's size and configuration impact the reasonable development of the property. An administrative reduction will be considered if:

- (a) Justification for the request is included in the application; and
(b) The reduction will not adversely affect health and safety; and
(c) It is demonstrated that the use of the proposed reduction cannot be reasonably accommodated elsewhere on the lot; and
(d) If granted, the reduction would be the minimum necessary for reasonable use of the lot.

An administrative reduction will be processed in accordance with LCC 17.160.055.

- (3) Additional setbacks may be required near resource lands in accordance with sections 17.30.500, 17.30.660, 17.30.810 and 17.40 of the Lewis County Code.

17.155.065 is a new section that specifies how setbacks are applied to nonconforming lots.

17.155.065 Nonconforming lots of record.

Any permitted use or structure is allowed on legal lots of record which do not meet the minimum lot size or width requirements of the zone, provided setback requirements and all other applicable requirements conform with Lewis County regulations.

Currently section 17.160.050 includes three parts:

- (1) sets requirements for Home Occupations,*
- (2) specifies criteria for a Temporary Second Dwelling and*
- (3) establishes the process for gaining Administrative Approval*

This amendment would move the Administrative Approval and Administrative Reduction Process from 17.160.050(3) into its own separate section, 17.160.55, so it could easily be referenced by the setbacks code section and other sections of the zoning code. This new section would also be streamlined to make it easier to use.

17.160.050 Administrative approval uses.

(1) Home occupation.

- (a) No more than two persons, other than family residing on the premises, shall be engaged in such occupation.
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign, not exceeding four square feet in area, nonilluminated and mounted on the property; except day care facilities with 10 children or less may use yard areas for recreation.
- (d) No traffic shall be generated by such home occupations in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance and shall not be located in a required front yard.
- (e) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lots, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or

audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.

(2) Temporary second dwelling.

- (a) A temporary second dwelling unit of no more than 1,248 square feet in area, in the form of a manufactured home, a fully serviced travel trailer or motor home, to provide:
 - (i) A temporary dwelling space for family members who, due to professionally documented physical or mental disorders or disabilities, or risks of such disorders or disabilities, require daily supervision and care where such care is provided by members of the family who reside on the property; or
 - (ii) A temporary dwelling space for a person providing care for the resident owner of the subject property when said owner needs daily supervision and care as described in (a) above.
- (b) Approval Requirements: Administrative approval for temporary second dwelling units shall be approved if it is determined that the proposal meets the following requirements:
 - (i) Temporary second dwelling units shall only be permitted on fully serviced parcels on which the applicant can meet setback, ingress, egress, height restrictions, and lot coverage requirements.
 - (ii) The size of the temporary dwelling shall be appropriate to the use and size of the parcel and shall be limited so as to comply with the standards set forth in (i) above.
 - (iii) The temporary home shall also be approved by the Lewis County Health Officer as a medical hardship placement.
 - (iv) When daily supervision and care is no longer necessary, this approval shall automatically lapse, without further notice, and the temporary home shall be immediately removed or converted to a conforming use.
 - (v) The permit shall be valid for one year. The permittee may apply for renewal on a yearly basis; provided that supporting documentation from a licensed medical doctor is furnished by the permittee affirming that the circumstances supporting the original permit remain in effect, and that the permit continues to satisfy standards established by the Lewis County Health Officer for medical hardship placements.

- (vi) A covenant shall be filed that restricts lease, sale or transfer of the property while the temporary dwelling is in place.
 - (vii) The use will not be hazardous or disturbing to existing or future neighboring uses.
 - (viii) Evidence of adequate off-street parking space shall be provided.
 - (ix) There shall be no occupancy of the temporary dwelling outside the conditions under which the temporary dwelling is permitted pursuant to this section.
- (c) Penalties: False statements or false supporting documentation submitted with the application or failure to comply with any of the approval requirements shall be cause for revocation of the permit and may result in criminal prosecution.

17.160.055 Process for administrative approval and administrative reduction.

- (1) The application for an Administrative Approval and Administrative Reduction shall include:
- (a) ~~Administrative Approval~~ Application Form;
 - (b) Appropriate documentation of compliance with approval requirements;
 - (c) The filing fee;
 - (d) Stamped and addressed envelopes for all property owners within 500 feet of the external boundaries of the subject property or the nearest resident property owner adjacent to the subject property, but only within 1500 feet of the project site;
 - (e) Three copies of a site plan at an appropriate scale showing;
 - (i) Locations of property boundaries;
 - (ii) Locations and sizes of structures;
 - (iii) Access, and parking areas;
 - (iv) Locations and types of water and sewer services; and
 - (v) Locations and types of structures on adjacent properties.
- (2) Upon receipt of application materials, the community development department shall:
- (a) Send a notice of the proposal to all owners of property as identified in LCC 17.160.055(1)(c) at least 10 days prior to the decision date.

- (b) Post public notices of the proposal on all road frontages of the subject property so as to be visible to adjacent property owners and to passing motorists.
 - (c) Said notices shall be provided to the applicant by the community development department and shall remain in place for at least 10 days prior to the decision.
 - (d) An affidavit of posting that shall be signed and returned at least one week prior to the decision shall also be provided at the time of application.
- (3) The community development department shall approve or deny all ~~administrative approval or administrative reduction use~~ applications that do not require a public hearing.
- (4) Property owners who have been ~~notified~~ of the proposal may submit to the community development department a written request for a public hearing.
- (a) The request must be submitted within 10 days from the date printed on the mailed notice or 10 days from the posting of notice on the property, whichever is later .
 - (b) The request shall document valid grounds for holding a hearing, specifying how the proposal adversely impacts him or her.
 - (c) The community development department ~~will~~ submit the application to the hearing examiner, who shall hold a public hearing and approve or deny the administrative approval application.
 - (d) The hearing examiner shall base a decision upon compliance with the criteria established for the proposal and the requirements of this section.
- (5) If the application ~~permit~~ is denied, the applicant shall be notified in writing. The grounds for denial and the applicant's right to appeal shall be set forth in this notification.
- (6) Any party of record may appeal the decision.
- (a) Parties of record shall be defined as the applicant, the owner of the property, any person who has submitted a written response to the proposal, and any person who has testified at a required hearing.
 - (b) Each application for appeal of an administrative approval or administrative reduction shall be accompanied by a fee.

17.10.214 is an existing section related to the definitions of setbacks and yards. Internal briefing with staff revealed conflicting language in the existing code. The proposed changes are intended to improve the ease of understanding for both staff and the public.

DEFINITIONS

17.10.214 Setback.

“Setback” means a distance from a fixed boundary, property line, or right of way as set forth in Title 17 LCC. A front setback is measured to the street or point of access. A side setback is measured to an abutting property on the same street or access. A rear setback is the side of the structure away from the street or point of access, and is measured to the nearest property line. ~~, provided a structure may have two fronts yards, but only one rear and is measured to the nearest property line. [Ord. 1170B, 2000]~~

Exempted structures

Change exemption to 200 square feet for consistency with the Residential building code, Section R105.2(1), that exempts accessory structures up to 200 square feet.

17.10.241 Yard, front.

“Front yard” means an open space on a lot, between the road right of way, or point of access, (front property line) and the requisite minimum front yard setback line. Where a lot lies at the corner of two or more roads, it shall have a front yard setback area extending back from each road right of way. If the exact location of the right of way is not known, it shall be assumed that the improved traveling surface of the road is in the center of the road right of way. If the width of the road right of way is not known, it shall be assumed to be the statutory 60 feet. ~~[Ord. 1170B, 2000]~~

17.10.245 Yard, side.

“Side yard” means any yard that is not a front or rear yard. ~~one of two open spaces found on a typical lot, bounded by the front yard, rear yard, the side lot line and the building closest to the side lot line. [Ord. 1170B, 2000]~~

17.10.243 Yard, rear.

“Rear yard” means an open space on a lot, between the rear property line and the building closest to the rear property line. In the case of a lot with more than one road frontage ~~and consequently two rear property lines,~~ the rear yard shall be deemed to be the yard abutting the shorter rear property line; the other yard shall be treated as a side yard. In cases of doubt, the Administrator shall make the determination. ~~[Ord. 1170B, 2000]~~